

## § 2.05-27

Water Pollution Control Act, as amended, 33 U.S.C. 1321 and 1322, mean:

(1) Navigable waters of the United States as defined in paragraph (a) of this section and all waters within the United States tributary thereto; and

(2) Other waters over which the Federal Government may exercise Constitutional authority.

### § 2.05-27 Waters subject to tidal influence; waters subject to the ebb and flow of the tide; mean high water.

*Waters subject to tidal influence and waters subject to the ebb and flow of the tide* are interpreted as waters below mean high water. "Mean high water" is the average of the height of the diurnal high water at a particular location measured over a lunar cycle period of 19 years. These terms do not include waters above mean high water caused by flood flows, storms, high winds, seismic waves, or other non-lunar phenomena.

(Secs. 107, 108, Pub. L. 97-322, 96 Stat. 1582 (33 U.S.C. 495, 499, 502, 525, 533); 49 CFR 1.46(c))

[CGD 82-102, 47 FR 54299, Dec. 2, 1982]

### § 2.05-30 Waters subject to the jurisdiction of the United States; waters over which the United States has jurisdiction.<sup>2</sup>

*Waters subject to the jurisdiction of the United States and waters over which the United States has jurisdiction* mean:

(a) Navigable waters of the United States;

(b) Other waters that are located on lands, owned by the United States, with respect to which jurisdiction has been accepted in accordance with 33 U.S.C. 733 by the authorized federal officer having custody, control, or other authority over them;

(c) Other waters that are located on lands, owned by the United States, with respect to which the United States retains concurrent or exclusive jurisdiction from the date that the State in which the lands are located entered the union; and

(d) Waters within the territories and possessions of the United States and the Trust Territories of the Pacific Islands.<sup>2</sup>

<sup>2</sup>See footnote 2 to § 2.05-25.

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### § 2.05-35 Exclusive Economic Zone.

The Exclusive Economic Zone (EEZ) of the United States is a zone contiguous to the territorial sea, including zones contiguous to the territorial sea of the United States, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands (to the extent consistent with the Covenant and the United Nations Trusteeship Agreement), and the United States overseas territories and possessions. The EEZ extends to a distance 200 nautical miles from the baseline from which the breadth of the territorial sea is measured. In cases where the maritime boundary with a neighboring State remains to be determined, the boundary of the EEZ will be determined by the United States and the other State concerned in accordance with equitable principles.

[CGD 97-023, 62 FR 33361, June 19, 1997]

## Subpart 2.10—Availability of Jurisdictional Decisions

### § 2.10-1 Maintenance of decisions.

Each Coast Guard district maintains:

(a) A list of waters within the district which the Coast Guard has decided to be navigable waters of the United States for the purposes of its jurisdiction, and

(b) Charts reflecting Coast Guard decisions as to the location of the territorial sea baseline for the purposes of Coast Guard jurisdiction, if the district includes portions of the territorial seas.

### § 2.10-5 Availability of lists and charts.

The lists and charts referred to in § 2.10-1 of this chapter are available to the public and may be inspected or obtained in accordance with § 1.10-5(b) of this chapter.

### § 2.10-10 Decisions subject to change or modification.

The decisions referred to in § 2.10-1 of this subpart are subject to change or modification. Inquiries concerning the status of specific waters, for the purposes of Coast Guard jurisdiction, should be directed to the District Commander of the district in which the waters are located.